

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**IN RE: GENERIC
PHARMACEUTICALS PRICING
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Humana Inc. v. Actavis Elizabeth, LLC et al.

The Kroger Co., et al. v. Actavis Holdco U.S., Inc.

**MDL 2724
16-md-2724**

HON. CYNTHIA M. Rufe

Civil Action Nos.

18-3299

18-284

ORAL ARGUMENT REQUESTED

[PROPOSED] ORDER

AND NOW, this _____ day of _____ 2019, upon consideration of Defendant Lupin Pharmaceuticals, Inc.'s Motion to Dismiss Kroger Plaintiffs' and Humana, Inc.'s Overarching Conspiracy Claims, the responses and replies thereto, and the arguments of counsel, and for the reasons set forth in the accompanying Opinion, it is hereby **ORDERED** that the Motion is disposed of as set forth herein.

1. Defendant Lupin Pharmaceuticals, Inc.'s Motion to Dismiss Humana, Inc.'s Amended Complaint [No. 18-3299, Dkt. 30] is **GRANTED**. Counts CVI-CX of Humana, Inc.'s Amended Complaint are **DISMISSED WITH PREJUDICE**;
2. Defendant Lupin Pharmaceuticals, Inc.'s Motion to Dismiss the Kroger Plaintiffs' Complaint [No. 18-284, Dkt. 37] is **GRANTED**. Count One of the Kroger Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**;

It is so **ORDERED**.

BY THE COURT:

CYNTHIA M. RUFÉ, J.